

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

AIR QUALITY PERMIT

Permittee Name: Mountaineer Furniture Manufacturing
Mailing Address: P. O. Box 86, Isom Kentucky 41824

Source Name: Same
Mailing Address: Same

Source Location: 149 Hwy 7 North, Isom Kentucky 41824/53,
UTM: 4117.6E, 331.7E

Permit Number: F-01-006
Log Number: 53546

Review Type: Conditional Major (Construction/Operating)
KYEIS ID #: 21-133-00101
SIC Code: 2511

Regional Office Hazard
County: Letcher

Application
Complete Date: February 9, 2001

Issuance Date:
Expiration Date:

**John E. Hornback, Director
Division for Air Quality**

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SECTION A – PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the 401 KAR 52:030, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Emission Points 01(1):**

MP1:	Stain Booth	Constructed 2001
MP2:	Clean Up	

Emission Points 02(2):

MP1:	Sealer Booth	Constructed 2001
MP2:	Clean Up	

Emission Points 03(3):

MP1:	Sealer Booth	Constructed 2001
MP2:	Clean Up	

Emission Points 04(4):

MP1:	lacquer Booth	Constructed 2001
MP2:	Clean Up	

Description:

Emission Point 01 is a spray booth. Various colour stains (WM-12300) are used at this point. Coating is mixed with 10% Lacquer thinner (LT – 0117). . Lacquer thinner (LT-0117) is used as thinner and cleaning. The maximum capacity of the spray gun is 9 gallons per hour. The transfer capacity of the gun is 60%. There is a exhaust filter to control particulate emission. The control efficiency of the filter is 95%.

Emission Point 02 is a spray booth. Sanding Sealer (LS-0304-A) is used at this point. Coating is mixed with 10% Lacquer thinner (LT – 0117). Lacquer thinner (LT-0117) is used as thinner and cleaning. The maximum capacity of the spray gun is 9 gallons per hour. The transfer capacity of the gun is 60%. There is a exhaust filter to control particulate emission. The control efficiency of the filter is 95%.

Emission Point 03 is a spray booth. Sanding Sealer (LS-0304-A) is used at this point. Coating is mixed with 10% Lacquer thinner (LT – 0117). . Lacquer thinner (LT-0117) is used as thinner and cleaning. The maximum capacity of the spray gun is 9 gallons per hour. The transfer capacity of the gun is 60%. There is a exhaust filter to control particulate emission. The control efficiency of the filter is 95%.

Emission Point 04 is a spray booth. lacquer (LF-0546) is used at this point. Coating is mixed with 10% Lacquer thinner (LT – 0117). Lacquer thinner (LT-0117) is used as thinner and cleaning. The maximum capacity of the spray gun is 9 gallons per hour. The transfer capacity of the gun is 60%. There is a exhaust filter to control particulate emission. The control efficiency of the filter is 95%.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

APPLICABLE REGULATIONS: 401 KAR 59:010, New Process Operations (applicable to each affected facility associated with a process operation commenced on or after July 2, 1975)

1. **Operating Limitations :** See Group Requirements.
2. **Emission Limitations :** See Group Requirements.
3. **Testing Requirements:** See Group Requirements.
4. **Specific Monitoring Requirements :** See Group Requirements.
5. **Specific Record Keeping Requirements:** See Group Requirements.
6. **Specific Reporting Requirements** See Group Requirements.
7. **Specific Control Equipment Operating Conditions:** See Group Requirements.
8. **Alternate Operating Scenarios** See Group Requirements.
9. **Compliance Schedule** See Group Requirements.
10. **Compliance Certification Requirements:** See Group Requirements.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Group Requirements:

List of Points:

Emission Points 01:

MP1: Stain Booth
MP2: Clean Up

Emission Points 02:

MP1: Sealer Booth
MP2: Clean Up

Emission Points 03:

MP1: Sealer Booth
MP2: Clean Up

Emission Points 04:

MP1: lacquer Booth
MP2: Clean Up

Construction commenced: 2001

APPLICABLE REGULATIONS:

401 KAR 59:010, New Process Operations (applicable to each affected facility associated with a process operation commenced on or after July 2, 1975).

1. Operating Limitations :

1. The usage rate of materials used in all affected facilities shall be limited so as not to exceed the emission limitations in the section B(2) below.
2. The spray booth filtering units and exhausts shall be in operation when coatings are sprayed.
3. At all times when spraying, the booth filters shall be in place and shall be replaced when determined to be inefficient (as determined through visual inspection).

2. Emission Limitations :

1. **401 KAR 59:010, Sec. 3:** The permittee shall not cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than twenty (20) percent opacity.
2. **401 KAR 59:010, Sec. 3:** The permittee shall not cause, suffer, allow, or permit the emission into the open air from a control device or stack associated with any affected facility more than 2.34 lb/hr of particulate matter.
3. Total VOC emissions shall not equal or exceed 90.0 tons per year and actual HAP emissions shall not equal or exceed 9.0 tons per year of any single or 22.5 tons per year of a combination of HAPs. These annual limitations shall not be exceeded during any consecutive 12 month period for the entire source.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance Demonstration Method:**

1. Given the maximum processing rate of this booth, compliance with Operating Limitations #2 and #3 demonstrates compliance with emission limitations #1 and #2 unless testing is required.
2. Monthly VOC / HAP emission = Σ [Monthly usage of each coating, solvent, thinner diluent, or any other VOC/HAP containing material in pounds or gallons per month] x [VOC/HAP fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds for each coating, solvent thinner, diluent, or any other VOC/HAP containing material used]

2. Testing Requirements:

Testing shall be conducted at such times as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and KAR 50:045 Section 4.

4. Specific Monitoring Requirements :

The following is required as part of compliance demonstration for Emissions Limitations #1, and #2.

- 1 The permittee shall qualitatively observe opacity at least once per operating day and record results in a log, noting color, duration, density (heavy or light), cause and corrective action taken for any abnormal visible emissions.
- 2 Filter conditions shall be observed daily (when spray coating is performed).

5. Specific Record Keeping Requirements:

- 1 The permittee shall keep calendar month records of the usage of base coats, clear coats, solvents and clean up solvents. At the end of each month Hazardous Air pollutants (HAP) emissions shall be calculated and recorded. These records shall be summarized and tons per month HAP emissions calculated and recorded. The recorded tons per 12 months shall be a per rolling 12 twelve months period. In addition, those records shall comply with the HAP emissions limitations listed in this permit for each conditional major limitation. These records, as well as purchase orders and invoices for all HAP-containing materials, shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality.
- 2 Filter observations such as clogged, torn, or operational shall be recorded when monitored and include date and time.
- 3 Filter replacement and other corrective actions for compliance with Operating Limitations # 2and #3.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6 Specific Reporting Requirements:

Conditional major limitations require the following to be reported semi-annually. These reports shall be certified by a responsible official, and delivered by electronic media (such as fax or e-mail) or postmarked to the Division's Hazard Regional Office within thirty days following the end of each semi-annual period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. These reports may also be delivered by courier as long as the reports are stamped received as indicated above. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate, and complete.

1. Any deviations from requirements of section B shall be reported.
2. The VOC emission calculation for each month in the semi-annual period shall be reported.
3. The individual HAP emission calculation for each month in the semi-annual period shall be reported.
4. The combined HAPs emission calculation for each month in the semi-annual period shall be reported.
5. The rolling 12 month total for VOC during each month in the semi-annual period shall be reported.
6. The rolling 12 month total of individual HAP's for each month in the semi-annual period shall be reported.
7. The rolling 12 month total of combined HAP's for each month ending in the semi-annual period shall be reported.
8. The permittee shall maintain a monthly record of fuel used and report startups, shutdowns, or malfunctions per KY Regulation 401 KAR 50: 055.

7. Specific Control Equipment Operating Conditions:

Filters must be in place and operational according to manufacturer's specifications and recommendations.

- | | | |
|-----|---|---------------------|
| 8. | <u>Alternate Operating Scenarios:</u> | None. |
| 9 | <u>Compliance Schedule</u> | None |
| 10. | Compliance Certification Requirements: | See Condition F (7) |

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Wood Working (18 Tons/hr) (Baghouse 99.5%)	401 KAR 59:010
2.	Boiler (Waste Wood) (0.9 mm BTU per hour)	NA

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by the material incorporated by reference by 401 KAR 52:020, Section 1; compliance with annual emissions and processing limitations imposed contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. VOC emissions shall be less than 90.0 tons per rolling 12 twelve-month period for the entire source. Combined HAPs shall be less than 22.5 tons and any single HAP emissions shall be less than 9.0 tons per rolling 12 twelve- month period.
3. Testing shall be conducted at such times as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and KAR 50:045 Section 4.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 52:020 Section 3(h)]
3. In accordance with the requirements of 401 KAR 52:020 Section 3(h) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Summary reports of any monitoring required by this permit shall be submitted to the Division's Hazard Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

6. a. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Hazard Regional Office concerning startups, shutdowns, or malfunctions as follows:
- i. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of 401 KAR 52:020, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Hazard Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.
7. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Hazard Regional Office and the U.S. EPA in accordance with the following requirements:
- a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- d. The method used for determining the compliance status for the source, currently and over the reporting period, and
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality
Hazard Regional Office
233 Birch Street Suite 2
Hazard, Kentucky 41701**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

- 8. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
- 9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020, Section (3)(1)(d) and 42 USC 7661 through 7671q (Title V of the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision or denial of a permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 6]
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 7, 8]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority. [Material incorporated by reference by 401 KAR 52:020, Section 7]

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 14]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 4]
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 15)b]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [Material incorporated by reference by 401 KAR 52:020, Section 1a, 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020, Section 11(3)(G)]
11. This permit shall not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 9]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(1)]
15. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements are included and specifically identified in the permit; or
 - (b) Non-applicable requirements that are expressly identified in this permit.

SECTION G - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:020, Section 12(6)(a)]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**Emission Points 01, 02, 03, 04, 05 and 06**

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following completion and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Hazard Regional Office in writing, with a copy to the division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.

SECTION G - GENERAL CONDITIONS (CONTINUED)

3. Pursuant to 401 KAR 52:020, Permits, Section 3(2), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon a written request, the cabinet may extend these time periods if the source shows good cause.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within ten (10) working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken. This requirement does not relieve the source from other local, state or federal notification requirements.

SECTION G - GENERAL CONDITIONS (CONTINUED)

2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020, Permits, Section 24(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346**

2. If requested, submit additional relevant information to the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None